



Texas House of Representatives House Committee on Transportation: Interim Charge 1C

The Outdoor Advertising Association of Texas ("OAAT") appreciates the opportunity to respond to Chairman Canales and the House Transportation Committee regarding "Interim Charge 1C: SB 357, which relates to outdoor advertising signs. Monitor the Texas Department of Transportation's implementation of the new statutory requirements set forth in the legislation, including any related rulemaking".

The members of the OAAT, Clear Channel Outdoor, Lamar Advertising and OutFront Media, hold approximately 80% of the outdoor advertising permits in the state and recognize that fair and meaningful regulation is necessary to maintain a competitive industry. We submit this testimony to the Transportation Committee to update it on the effects Senate Bill 357 is having on the outdoor advertising industry in Texas.

Senate Bill 357 – 86th Legislative session

Senate Bill 357 made two major changes to the outdoor advertising regulatory framework:

1. Raised the eligible height for outdoor advertising signs to 60 feet. The prior limit of 42.5 feet was instituted by TxDOT via administrative rule in 1986. At that time, Texas roadways were characterized by flat, wide asphalt expanses where drivers' vision was largely unobstructed, therefore, 42.5 feet was sufficient to adequately promote Texas' business. Roadways have since evolved into multi-level structures that often obstruct these businesses' messages, and now the prior height of 42.5 is wholly insufficient. The 60 foot height allows, in some cases, those messages to be seen once again allowing them to promote state commerce.
2. Provided penalties for outdoor advertising permit owners who erect signs in violation of the 60 foot restriction. Specifically, the Texas Transportation Commission, after notice and hearing, can not only deny a permit application for a sign that was constructed over-height, but can additionally deny other permit application or renewals subsequently submitted to the department. This change placed these additional administrative penalties only on those owners of 100 permits or more who violate the new 60 foot rule.

Administrative Rules

Since new administrative rules regulating the outdoor advertising industry must be passed to implement SB 357, the OAAT seeks to ensure that only those amendments that seek to integrate the SB 357 issues laid out above are considered. New undue restrictions, especially those that would seek to roll back or limit the recent changes, could place members of our industry in a precarious position as to maintaining viability.



Conclusion

Unfortunately, as with many Texas businesses, the Covid 19 pandemic has dealt a heavy blow to the outdoor advertising industry. Since most of our Texas customer base are local businesses and with the challenges presented to those businesses just to survive, that base has been significantly diminished placing heretofore unseen pressures on our ability to operate.

The OAAT will continue to assist Texas businesses in communicating their messages to the traveling public. We appreciate the Committee's assistance in this venture and remain available to provide any information needed.